



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3161

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

New Act

Creates the Political Funding Reform Act. Prohibits a public employer from collecting, deducting, or transmitting political funds. Provides that if a person or organization (i) has used as political funds any of the funds collected or deducted for it by any public employer, (ii) has commingled funds collected or deducted by any public employer with political funds, or (iii) has deducted or collected funds from multiple levels of an organization and transmitted those funds to a single recipient who has used those funds as political funds, then, for a period of 2 years, no public employer shall collect, deduct, or assist in the collection or deduction of funds for any purpose for that person or organization. Voids existing contracts and agreements that violate the Act. Makes the provisions of the Act severable. Effective immediately.

LRB098 08427 JDS 38533 b

1 AN ACT concerning political funding reform.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Political Funding Reform Act.

6 Section 5. Legislative findings and declarations; policy.

7 (a) The General Assembly finds and declares:

8 (1) that it is in the interest of this State's citizens
9 to ensure that government resources, including public
10 employee time, as well as public property, equipment, and
11 supplies, are used exclusively for activities that are
12 essential to carrying out the necessary functions of
13 government;

14 (2) that necessary governmental functions do not
15 include using government resources to confer a political
16 benefit or advantage on any private individual or
17 organization, including, but not limited to, public
18 employee unions and their members; and

19 (3) that using government resources in any way to
20 promote, support, or enhance the political activities of
21 any private individual or organization, above that of other
22 citizens or private organizations, is not a necessary or
23 desirable function of government.

1 (b) Therefore, it is the public policy of this State to
2 prohibit the use of any government resources to collect or
3 assist in the collection of political funds or to promote or
4 assist in a political activity on behalf of any private
5 individual or organization.

6 Section 10. Definitions

7 (a) For the purposes of this Act, unless the context
8 otherwise requires:

9 "Public employer" means any state or local government,
10 government agency, government instrumentality, special
11 district, joint powers authority, school board or special
12 purpose organization that employs one or more persons in any
13 capacity.

14 "Political funds" means money expended upon, or commingled
15 with funds used for any political activity, including, but not
16 limited to:

17 (1) independent expenditures for communications
18 advocating the election or defeat of clearly identified
19 candidates for public office;

20 (2) participating in, or intervening in (including the
21 publication or distribution of statements), any political
22 campaign on behalf of (or in opposition to) any candidate
23 for public office, or any political party or committee;

24 (3) supporting or opposing any pending or proposed
25 ballot measure, including, but not limited to, efforts to

1 collect signatures to place a measure on the ballot, and
2 any efforts, including, but not limited to, direct mail and
3 media campaigns, to solicit signatures for initiative
4 petitions or to discourage voters from signing initiative
5 petitions;

6 (4) contributions toward the operations or expenses of
7 a Political Action Committee; or

8 (5) communications or other activities of
9 organizations where a substantial part of their activity
10 which involves carrying on propoganda, or otherwise
11 attempting to influence voters or legislation or ballot
12 issues.

13 (b) The terms used in this Section shall have the same
14 meaning as under Section 501(c) (3) of the Internal Revenue Code
15 and regulations promulgated by the Secretary of the Treasury
16 thereunder.

17 (c) This Act shall not apply to activities that are
18 necessary to fulfill statutory obligations to inform the
19 electorate or the public, or both, about the candidates or
20 issues to be voted upon in a forthcoming election.

21 Section 15. Prohibitions. A public employer is prohibited
22 from collecting, deducting, or transmitting political funds.

23 Section 20. Penalties.

24 (a) If a person or organization (i) has used as political

1 funds any of the funds collected or deducted for it by any
2 public employer, (ii) has commingled funds collected or
3 deducted by any public employer with political funds, or (iii)
4 has deducted or collected funds from multiple levels of an
5 organization and transmitted those funds to a single recipient
6 who has used those funds as political funds, then, for a period
7 of 2 years, no public employer shall deduct, or assist in the
8 deduction of, funds for any purpose for that person or
9 organization.

10 (b) Any employee whose wages have been deducted in
11 violation of the provisions of this Act may bring suit in a
12 court of competent jurisdiction to obtain injunctive relief
13 against the violator or person or public employer threatening
14 violation. If the State enjoys sovereign immunity, nothing in
15 this Act shall be considered or otherwise construed to waive,
16 or in any way abrogate such immunity. An employee whose wages
17 have been deducted in violation of this Act may bring suit in a
18 court of competent jurisdiction to recover damages equal to:

19 (1) from a public employer violating the provisions of
20 this Act, or failing to take appropriate action when
21 informed of the violation, any amounts actually deducted
22 from the public employee's wages; and

23 (2) from any individual or organization acting
24 separately or in league with a public employer to violate
25 the provisions of this Act, twice any amounts actually
26 received by the individual or organization from the injured

1 public employee.

2 The remedies provided in items (1) and (2) of this
3 subsection (b) shall not preempt any other causes of action and
4 damage awards which may be available to public employees
5 injured as a result of violations of this Act.

6 (c) In any judgment for the plaintiff intended to enforce
7 of this Act, the court may award reasonable attorneys' fees and
8 court costs.

9 Section 25. Void Agreements. Any written or oral agreement,
10 understanding, or practice between a public employer and any
11 individual or organization that is in violation of the
12 provisions of this Act shall be deemed void on the effective
13 date of this Act.

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.